

BYLAWS OF THE
JUVENILE JUSTICE COMMISSION
OF SAN DIEGO COUNTY

Adopted February 2, 2011

PURPOSE

The Juvenile Justice Commission of San Diego County is a state-mandated, court-appointed citizens' commission. Its purpose is to inquire into the administration of juvenile court law in San Diego County, to provide leadership for citizen action and to promote an effective juvenile justice system operated in an environment of credibility, dignity, fairness and respect for the youth of San Diego County.

These bylaws are intended to supplement the governing provisions of State law and to aid the Commission in more effectively discharging its statutory duties and responsibilities. If one part of these bylaws is found to be invalid because it conflicts with State Law, no other part of these bylaws shall be affected by such finding of invalidity.

ARTICLE I. STATUTORY AUTHORITY AND DUTIES

Section 1. Authority. The Juvenile Justice Commission of San Diego County ("Commission") is established pursuant to the provisions of Sections 225 to 231 of the California Welfare and Institutions ("W&I") Code.

Section 2. Duties. In accordance with the provisions of the W&I Code and with California Penal Code Section 6030, the Commission has the following statutory duties and authority:

- A. To inspect no less frequently than once a year all publicly administered institutions, including Juvenile Hall and Ranch facilities, authorized or whose use is authorized by the Arnold-Kennick Juvenile Court Law (Chapter 2 (beginning with Section 200) of Division 2 of the W&I Code), to inspect annually any jail or lockup within the County that is used for the confinement of any minor for more than 24 hours, and to report the results of such inspections in writing to the Juvenile Court and to the California Corrections Standards Authority (W&I Code Section 229);
- B. To inquire into the operation of any group home in the County that serves wards or dependent children of the Juvenile Court in order to review the safety and well-being of the wards and dependent children (W&I Code Section 229.5);

- C. To inquire into the administration of juvenile justice in a broad sense including, but not limited to, the operations of the Juvenile Court, Probation Department, Social Services Agency and any other agency involved in juvenile delinquency or dependency (W&I Code Section 229);
- D. To prepare and issue an annual report on the administration of the juvenile court law in San Diego County;
- E. To make recommendations to the Presiding Judge of the Juvenile Court and to send copies of the recommendations to designated department heads for a response;
- F. To publicize the findings and recommendations of the Commission (W&I Code Section 230);
- G. To ensure that needed services are identified, developed and provided for the children and youth of the County (various W&I Code sections);
- H. To hold public hearings on all matters affecting the administration of the juvenile court law in San Diego County. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documents at such hearings;
- I. To investigate complaints brought against the administration of the juvenile court law in San Diego County;
- J. To investigate citizen complaints which involve Children's Services of the Health and Human Services Agency and the Juvenile Probation Services of the Probation Department;
- K. To propose, endorse or oppose State legislative or administrative proposals which would have an impact upon the administration of juvenile court law in San Diego County;
- L. To work with State and local governmental, legislative and administrative agencies for the improvement of the administration of the juvenile court law in San Diego County;
- M. To develop cooperative programs on juvenile delinquency with the San Diego County Commission on Children, Youth and Families (SDCCCYF);

- N. To advise the California Corrections Standards Authority concerning security, rehabilitation programs, recreation, and the treatment of persons confined in correctional facilities (Penal Code Section 6030); and
- O. To consult with the Chief Deputy Secretary for the Division of Juvenile Justice of the California Department of Corrections and Rehabilitation concerning the operation and maintenance of the Juvenile Hall (W&I Code Section 1760.7).

ARTICLE II. MEMBERSHIP

- Section 1. Number. The Commission shall consist of not fewer than seven nor more than fifteen citizens. Two or more members shall be persons who are between 14 and 21 years of age, subject to their availability to serve and to carry out the duties of a Commission member in a manner satisfactory to the appointing authority (W&I Code Section 225).
- Section 2. Appointment. Members of the Commission are appointed by the Presiding Judge of the Superior Court with the concurrence of the Presiding Judge of the Juvenile Court. Recommendations to the Presiding Juvenile Court Judge for membership on the Commission shall be made by the Commission through the Membership Committee. Referrals for consideration and review by the Membership Committee and the Presiding Judge may be made by community groups, elected or appointed public officials or by private citizens.
- Section 3. Term of Office. The term of office is four years. Members may be re-appointed at the discretion of the Court.
- Section 4. Vacancies. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee filling such vacancy shall hold office for the unexpired term of his or her predecessor.
- Section 5. Qualification. Each person appointed shall appear before the appointing judge or his/her designee and qualify by taking an oath to faithfully perform the duties of a member of the Commission. The qualification of each member shall be entered in the records of the Commission.
- Section 6. Resignation. Any member desiring to resign from the Commission shall submit his/her resignation in writing to the Chairperson of the Commission with a copy to the Presiding Juvenile Court Judge.
- Section 7. Attendance. The attendance of members shall be taken and recorded in the minutes of all Commission meetings. If any member is absent for three consecutive meetings,

a review of that member's status will be undertaken by the Chairperson. The Chairperson shall notify the Presiding Juvenile Court Judge of his or her findings and shall recommend appropriate action.

- Section 8. Committee Participation. Each Member is expected to participate as a team member on at least one scheduled juvenile institution inspection and one scheduled jail and/or lock-up inspection during each fiscal year, and to serve on standing or ad hoc committees as needed.

ARTICLE III. OFFICERS

- Section 1. Title and Term of Office. The officers of this Commission shall be a Chairperson, a Vice Chairperson and a Second Vice Chairperson, who shall serve one year terms. Officers may be elected to more than one term in office but may serve no more than two consecutive terms in the same office. The San Diego County Chief Administrative Office shall provide administrative staff and clerical support to assist the Commission in carrying out its mandate. The classification titles shall be one Administrative Officer and one Juvenile Justice Commission Assistant.
- Section 2. Elections. Officers shall be elected at the regularly scheduled Commission meeting in June of each year and shall take office on July 1 of each year.
- Section 3. Vacancies. If the Chairperson's position becomes vacant or in the absence of the Chairperson, the Vice Chairperson shall assume that role. In the event of a vacancy in both the offices of the Chairperson and the Vice Chairperson, an election for those two offices shall be held at the next regularly scheduled meeting. In the event of a vacancy in the Second Vice Chairperson position, the Chairperson shall appoint a member to complete the annual term of that office.
- Section 4. Temporary Absence. In case of the absence of the Chairperson, the Vice Chairperson and the Second Vice Chairperson at any meeting of the Commission, the members present shall select a Chairperson pro tem.

ARTICLE IV. DUTIES OF OFFICERS

- Section 1. Chairperson. The Chairperson shall preside at all meetings of the Commission and shall perform such duties as pertain to this office, including being the primary point of contact for the Commission. The Chairperson shall notify the Court of any vacancies and the attendance status of members. The Chairperson may nominate committee chairpersons as necessary to ensure that the Commission fulfills its mission and mandates. The Chairperson shall oversee the completion of an annual

report that summarizes the Commission's activities during the year in which he/she serves as Chairperson.

Section 2. Vice Chairperson. The Vice Chairperson shall preside at all meetings of the Commission in the absence of the Chairperson and shall perform such additional duties as may be assigned. The Vice Chairperson shall chair the Membership Committee and shall coordinate special projects as requested by the Chairperson.

Section 3. Second Vice Chairperson. The Second Vice Chairperson shall be responsible for presiding at meetings of the Commission in the absence of the Chairperson and Vice Chairperson. The Second Vice Chairperson shall chair the Critical Incidents Committee and shall coordinate special projects as requested by the Chairperson.

ARTICLE V. MEETINGS

Section 1. Open Meetings. The Commission is an adjunct of the State judiciary and is therefore not subject to the open meeting requirements of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.). The Chairperson may close any regular or special meeting to the public as is deemed necessary and appropriate.

Section 2. Meeting Time. The regular meeting of the Commission shall be held on the first Wednesday of each month at 11:15 AM unless otherwise scheduled by the Chairperson. These meetings may be open to the public. Quarterly meetings are open to the public and are held on the third Wednesday of January, April, July and October, respectively, at 12:00 noon unless this date falls on a legal holiday, in which case the meeting will be held on the fourth Wednesday in such place within San Diego County as the Commission shall designate. A schedule of meeting times, dates and places shall be promulgated from time to time by the Commission.

Section 3. Location. The Commission shall meet at the Juvenile Probation Office, 2901 Meadow Lark Drive, San Diego, California.

Section 4. Special Meetings. Special meetings of the Commission shall be open to the public and may be called at any time and place within the County as designated in the notice and call of the special meeting. A special meeting may be called by the Chairperson or by any three members on twenty-four hours written notice unless such notice is waived by all members of the Commission. Waiver of this requirement by each member of the Commission shall be noted in the minutes of the special meeting. Nothing in this section shall be construed to prevent the convening authority of the special meeting from closing any special meeting of the Commission to the public if such closure is ordered in the call of the meeting, as long as closure is not inconsistent with the laws of the State of California. A majority vote of the

Commission may order any special meeting open to the public at any time on majority vote.

- Section 5. Quorum. A quorum for the transaction of business shall consist of no fewer than five members. If no quorum is present, the official meeting shall be adjourned. If those present choose to remain, all discussions shall be considered informal and no motions shall be considered.
- Section 6. Agenda. The Chairperson shall approve an agenda for each regular meeting of the Commission that shall be distributed to each member of the Commission at least four business days in advance of each regular meeting. Nothing in this section shall be construed to prohibit the introduction of agenda items, which through the exercise of due diligence could not have been placed on the agenda and which require early action by the Commission. Members of the Commission desiring to place items on the agenda should contact the Chairperson. Any member of the Commission at any meeting may bring up items introduced solely for informational purposes and which involve no request for immediate action by the Commission.
- Section 7. Non-member matters. Requests for non-members to discuss a matter before the Commission should be received ten days prior to the meeting date.
- Section 8. Youth welfare matters. Written requests or an oral petition concerning a youth's welfare shall be presented at a meeting of the Commission.
- Section 9. Commission business. Commission business and the business of its committees shall be decided by a majority vote of the members present at a regular meeting at which there is a quorum, except as specified elsewhere in these bylaws.
- Section 10. Suspension of the order of business. The order of business may be suspended at any time during any meeting of the Commission by a majority vote of the members present.
- Section 11. Records. The official record of Commission meetings shall be known as the minutes and shall be a record of actions taken by the Commission. The assigned Juvenile Justice Commission staff person shall record the minutes of all meetings of the Commission and shall handle Commission correspondence. The Juvenile Justice Commission staff keeps the roll, certifies the presence of a quorum, maintains a list of all active members and keeps records of actions as they occur at each meeting. It is the staff's responsibility to ensure that the posting of meeting notices in a publicly accessible place for 72 hours prior to the Commission meetings occurs, to keep a record of such posting and to reproduce and distribute the Commission notices and minutes of all meetings.

Section 12. Critical Incident Reports. In order that the Commission may meet its responsibilities under the Welfare and Institutions Code, the following procedures shall be followed by the Chief Probation Officer and the Director, Health and Human Services Agency, for bringing to the Commission's attention serious incidents or conditions affecting the children who come within the jurisdiction of the Juvenile Court.

For minors confined in juvenile detention facilities or placed in emergency shelter homes, or supervised on probation or under the supervision of the Director, Health and Human Services Agency, the Commission Chairperson and the Commission Administrative Officer shall be notified within 24 hours of the incident, excluding weekends or holidays, of any of the following circumstances:

- A. Fatalities. Death of a minor, regardless of the manner of death, i.e., suicide, homicide, accident, natural causes or undeterminable;
- B. Near fatalities, serious bodily harm and suicide attempts. Any near fatality or serious bodily harm of a minor, including all attempted suicides with overt gestures, all attempted homicides and any accident, injury or illness that requires admission to a hospital or psychiatric facility. The Juvenile Justice Commission wishes to be informed of the instance or injury regardless of the cause, including injuries caused by other minors or employees or contractors acting within the scope of their assigned duties;
- C. Criminal conduct of employees, contractors or caretakers that relates to minors. Any allegation of misconduct which has been referred for investigation because any employee, contractor or any person providing care for a minor has allegedly committed a criminal act which involves the welfare of a minor or relates to the minor directly. This includes all instances where the employee, contractor or caretaker's alleged criminal act would have jeopardized the safety of a minor (for example, if an employee is accused of transporting a minor in a motor vehicle while the employee is intoxicated). The Juvenile Justice Commission wishes to be informed of all instances of child abuse or neglect or alleged child abuse or neglect, including all instances where the employee, contractor or caretaker's alleged conduct would require an individual who is designated a "mandated reporter" under the Child Abuse and Neglect Reporting Act [California Penal Code Sections 11164 to 11174.3] to make a report. Reports made under this sub-section can consist of a synopsis of events without identifying names.
- D. Serious acts of violence between youth. All serious acts of violence between minors including serious physical assaults, all instances of sexual contact, aggression or violence, any act of physical aggression involving three or more minors, or any circumstance that required riot protocols to be implemented.

“Serious” is defined as a reportable crime resulting in injury requiring medical attention. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis;

- E. Serious injuries to employees, contractors or caregivers. All serious injuries to employees, contractors or caregivers that were caused by minors and all serious injuries to employees, contractors or caregivers that were the result of the intentional or negligent actions of other employees, contractors or caregivers or that were the result of a failure to follow written policies and procedures. “Serious” is defined as incidents resulting in injury requiring medical attention. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis;
- F. Incidents that require intervention with a weapon or chemical agent. All instances where a weapon or chemical agent, such as oleoresin capicum (OC/pepper) spray, is used to gain control over a minor or other individual. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis;
- G. Public health risks. All serious public health risks within a juvenile institution or emergency shelter home, including instances where a minor tests positive for tuberculosis or other highly communicable diseases;
- H. High profile incidents. All high profile incidents, including incidents that generate media attention or that can reasonably be expected to generate media attention, incidents that are referred to high level County officials, such as the Board of Supervisors or the Chief Administrative Officer, or incidents which are likely to precipitate a lawsuit. The Juvenile Justice Commission requests to be informed of any incident, report or finding that may generate media interest prior to the release of information to the media or prior to media publication whenever possible. Reports made under this sub-section can be a synopsis of events without identifying names;
- I. Evacuations. Any condition of a facility in which minors under the jurisdiction of the Juvenile Court are placed which requires evacuation or relocation of such minors, or otherwise affects their safety or welfare; or
- J. Other Incidents. Any other incident of which the Chief Probation Officer or Director, Health and Human Services Agency, determines the Commission should be notified because it relates to the health or welfare of minors under their supervision (e.g., escapes, staff job action; breaches of security).

The need for written incident or progress reports will be determined by the Chairperson or by the full Commission. Any records that are kept by the Chief Probation Officer or the Director, Health and Human Services Agency, will be made available to members of the Commission upon receipt of form, "Request to Review Records and Order Thereon."

ARTICLE VI. COMMITTEES

Section 1. Committees. The Commission may establish ad hoc or standing committees of its membership to perform fact-finding functions in any matter under the jurisdiction of the Commission. The Commission Chairperson shall appoint a committee chairperson from one of the membership of the Commission for each committee established. A committee may have members other than persons who are members of the Commission.

A committee shall report its findings of fact to the Commission at a meeting of the Commission, at which time the whole Commission shall consider the findings of fact contained in the report. All committee meetings shall be open to any member of the Commission.

Section 1. Membership Committee. The Commission Chairperson shall appoint a Membership Committee, which shall be led by the Vice Chairperson. The Membership Committee shall support recruitment efforts, shall review the bylaws and the New Member Binder annually and shall be available to provide guidance and training for new members.

Section 2. Critical Incident Committee. The Commission Chairperson shall appoint a Critical Incident Committee, which shall be led by the Second Vice Chairperson. The Critical Incident Committee shall review critical incident reports from Child Welfare Services and Probation, shall request additional information as appropriate, and shall report trends and concerns to the full Commission.

Section 3. Court Observation Committee. The Commission Chairperson shall appoint a committee chair and members of the Court Observation Committee. The Committee shall observe juvenile court proceedings on a quarterly basis and report to the full Commission.

Section 4. Awards Committee. The Commission Chairperson shall appoint a chair and members of the Awards Committee no later than the regular March meeting. The Awards Committee shall select the recipients of the awards, with the approval of the full Commission, and shall work closely with the Commission Secretary to

coordinate the Juvenile Justice Commission Awards Ceremony to be held annually in July.

Section 5. Inspection Teams. The Commission Chairperson shall appoint inspection teams for juvenile institution inspections, jail/lock-up inspections, and other inspections as deemed necessary and appropriate.

Section 6. Ad Hoc Committees. The Commission Chairperson may appoint ad hoc committees as necessary to fulfill the mission and mandate of the Commission. Any member may recommend the creation of an ad hoc committee.

ARTICLE VII. RELEASE OF INFORMATION

Section 1. Communications. The Chairperson of the Commission or other commissioner designated by the Commission shall be the spokesperson with County agencies and/or personnel as well as with the media. All press or media contacts shall be referred to the Chairperson.

Section 2. Correspondence. All correspondence on behalf of the Commission shall be sent only with the approval of the Chairperson or with the approval of a majority of Commissioners voting at a regularly scheduled meeting at which a quorum is present. Correspondence shall reflect the title of Chairperson.

Section 3. Individual Commissioners. Individual members acting in their own individual capacities have no authority to commit the Commission to any policy determination or course of action unless the Commission has previously authorized or subsequently ratified such act by an individual member of the Commission. Nothing in this section shall be construed to prevent members from expressing themselves as individuals, but such action should, where appropriate, include a disclaimer that such expression is made in an individual capacity and not as an official statement for the Commission.

ARTICLE VIII. PLANS AND ANNUAL REPORT

Section 1. Plans. At a special meeting held between July and September of each year, the Commission shall formulate its goals and objectives for the ensuing year.

Section 2. Annual Report. The Chairperson of each standing and ad hoc committee shall, in May of each year, submit to the Chairperson of the Commission a report on the activities of that committee during the year just ending. The Chairperson shall collate the committee reports into a Commission report and submit it to the incoming

Chairperson. The Chairperson shall incorporate the approved goals and objectives into the prior year's Annual Report for publication. Copies of the Annual Report shall be sent to the Presiding Judge of the Juvenile Court, the State Corrections Standards Authority, the Board of Supervisors and to others as directed by the Commission.

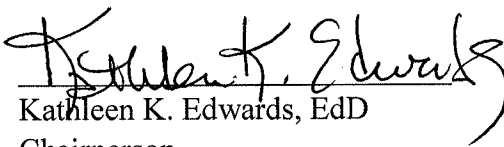
ARTICLE IX. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order shall guide the Commission in all cases to which they are applicable to the extent they are not inconsistent with these bylaws or any specific rules of order that the Commission may adopt.

ARTICLE X. AMENDMENT OF BYLAWS

This Commission shall review these bylaws annually to ensure that they conform to applicable laws. These bylaws may be amended at any regular meeting by two-thirds of the members in attendance, provided that the amendment to be voted upon was submitted in writing at the previous regular meeting of the Commission and is listed on the agenda as an item for discussion. All previous bylaws are hereby superseded.

Adopted by the Commission this 2nd day of February, 2011.


Kathleen K. Edwards, EdD
Chairperson